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REPORT
No. 556

APPOINTMENT OF PHARMACISTS IN THE DEPARTMENT OF MEDICINE AND SURGERY IN THE VETERANS' ADMINISTRATION

JUNE 13, 1951.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. RANKIN, from the Committee on Veterans' Affairs, submitted the
following

REPORT

[To accompany H. R. 302]

The Committee on Veterans' Affairs, to whom was referred the bill (H. R. 302) to redefine the eligibility requirements for appointment of pharmacists in the Department of Medicine and Surgery of the Veterans' Administration, having considered the same, report favorably thereon with an amendment and recommend that the bill do pass.

The amendment is as follows:

Strike out all after the enacting clause and in lieu thereof insert the following:

That the requirement of a bachelor of science in pharmacy degree, or its equivalent, to be eligible for appointment or for the purpose of promotion as pharmacist in the Department of Medicine and Surgery in the Veterans' Administration in subsection (e) (2) of section 5 of the Act entitled "An Act to establish a Department of Medicine and Surgery in the Veterans' Administration", approved January 3, 1946 (59 Stat. 675), is hereby waived in the case of all pharmacists who acquired temporary or indefinite appointments in the Veterans' Administration prior to July 1, 1950, and have performed continuous satisfactory service in the Veterans' Administration up to the date of the enactment of this Act.

SEC. 2. The United States Civil Service Commission is hereby authorized and directed to confer competitive civil-service status upon all pharmacists coming within the purview of the foregoing section, without regard to the competitive provisions of the Civil Service rules.

EXPLANATION OF THE BILL

Public Law 293 of the Seventy-ninth Congress, which created a Department of Medicine and Surgery in the Veterans' Administration, provided, among other things, that a pharmacist to be employed in the Veterans' Administration should hold the degree of bachelor of science in pharmacy, "or its equivalent," from a school of pharmacy approved

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by the Administrator. The Solicitor of the Veterans' Administration has ruled that the quoted phrase means the equivalent in education rather than the equivalent in experience.

Following the passage of this act, which was approved on January 3, 1946, a number of pharmacists were employed by the Veterans' Administration who met requirements of the various States by having passed the State boards of pharmacy but who did not have a degree of bachelor of science in pharmacy. In most instances, these men were pharmacists who had practiced their trade for many years and all of whom have given, and are still giving, satisfactory service to the Veterans' Administration.

The net result, to date, of the Solicitor's ruling has been to deny competitive civil-service status to pharmacists who lack the bachelor of science in pharmacy degree but who otherwise meet the requirements of civil-service law. The subcommittee which held hearings on this proposal was advised that all other Government agencies have the requirement for pharmacists of 2 years of education and additional experience plus an admission to practice by a competent board of pharmacy. The committee is unable to determine why the Veterans' Administration standards should be so much higher and the members of the committee still in the Congress who participated in the legislation resulting in Public Law 293 are unanimous in their belief that the words "or its equivalent" was intended to mean equivalent in experience.

All but 10 of the Veterans' Administration pharmacists now on duty have received civil-service status as the result of competitive examination or Executive Order 10157. There remains, however, this small group who were appointed after enactment of Public Law 293, apparently through administrative error, and this bill was sponsored mainly to correct the inequity which exists insofar as their individual cases are concerned.

Much effort has been exerted to have this matter corrected by administrative action of the Veterans' Administration. Officials of the Post Office and Civil Service Committee are of the belief that the entire problem can be handled by the Veterans' Administration if there is a decided will to see that it is accomplished. The committee is, of course, greatly interested in seeing that the standards of the Medical Service of the Veterans' Administration are kept at a high level, but it cannot see the wisdom or the reason why 10 employees should be displaced from their present positions simply because they do not have a bachelor of science in pharmacy degree and while at the same time they are performing their duties satisfactorily at the Veterans' Administration.

The effect of the committee amendment is to retain the present standards for employment as a pharmacist in the Veterans' Administration, but at the same time to provide for the 10 cases in question the protection to which the committee is convinced they are entitled.

Lacking an administrative solution to this problem on the part of the Veterans' Administration, the committee sees no alternative to reporting this bill in an amended form and urges its favorable consideration.

No additional cost will accrue to the Government as a result of the passage of this legislation.

The report of the Veterans' Administration follows:

VETERANS' ADMINISTRATION,
Washington 25, D. C., April 25, 1951.

Hon. JOHN E. RANKIN,
*Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington 25, D. C.*

DEAR MR. RANKIN: This is in reply to your request for a report by the Veterans' Administration on H. R. 302, Eighty-second Congress, a bill to redefine the eligibility requirements for appointment of pharmacists in the Department of Medicine and Surgery of the Veterans' Administration.

The purpose of the bill is to amend section 5 (c) (2) of Public Law 293, Seventy-ninth Congress, approved January 3, 1946, as amended (38 U. S. C. 15d), which established in the Veterans' Administration a Department of Medicine and Surgery, to read as follows:

"(2) Pharmacist—

"hold the degree of bachelor of science in pharmacy from a school of pharmacy approved by the Administrator, or have the equivalent of such a degree in experience, and be registered as a pharmacist in one of the States or Territories of the United States or in the District of Columbia;"

The present qualifications prescribed in such law for the position of pharmacist in the Department of Medicine and Surgery read as follows:

"(2) Pharmacist—

"hold the degree of bachelor of science in pharmacy, *or its equivalent*, from a school of pharmacy approved by the Administrator, and be registered as a pharmacist in one of the States or Territories of the United States or in the District of Columbia; [*Italics supplied.*]

With respect to the language italicized, the Veterans' Administration has interpreted it to mean, insofar as appointments made subsequent to January 3, 1946, are concerned, that the equivalent of a bachelor of science degree "from a school of pharmacy" is an education equivalent. The proposed amendatory language would negative such construction by permitting the substitution of "experience" as the full equivalent of such degree.

As presently interpreted, the educational requirements for the appointment of pharmacist personnel in the Veterans' Administration are on a par with those now established and maintained by a large majority of the State boards of pharmacy, and with those maintained by the Army and Navy in commissioning pharmacy officers. If the bill were to be enacted in its present form, the effect would be to reduce the basic requirements for appointment from their present level to a level below those in effect for other branches of the Government, and below those in effect prior to the enactment of Public Law 293, Seventy-ninth Congress, which law was designed to enable the Veterans' Administration to improve the quality of its medical program. For your information, the basic requirements for Government agencies other than the Veterans' Administration are determined by the United States Civil Service Commission and require either the completion of a 4-year course in pharmacy in an approved school, or a resident course in pharmacy of 2 years or more at a college, university, or other institution above high-school level, and, in addition thereto, sufficient technical experience in the practice of pharmacy to total 4 years of combined education and experience. In establishing the educational requirements for appointment to pharmacy positions in the other Government agencies, the Civil Service Commission found (title 5, ch. I, sec. 24.27 (c), Code of Federal Regulations) that the duties of a pharmacist could not be successfully performed without a sound knowledge of the fundamental principles of pharmacy, chemistry, pharmacology, toxicology, bacteriology, therapeutics, and mathematics, as related to pharmacy. Further, it found that the only method of obtaining this knowledge and training was by attending a school of pharmacy where systematic instruction and guidance, and adequate laboratory and library facilities were available. This finding by the Civil Service Commission, to the effect that the duties of a pharmacist could not be performed without at least 2 years of formal professional pharmaceutical education, in no way conflicts with the position of the pharmacy profession that the full 4-year course is necessary for a completely adequate performance. Recognition of the need for the 4-year course is not new. State boards of pharmacy recognized the rapid advances in the field of pharmacy and the need for a formal scientific background as a prerequisite for licensure as a pharmacist as early as 1932. The State boards of pharmacy in most States made the 4-year degree mandatory with the graduating classes of 1936. In a like

manner, the Department of the Army has maintained its requirement of a baccalaureate degree in pharmacy for its pharmacy officers since 1934.

Since the enactment of Public Law 293, Seventy-ninth Congress, and the establishment of firm educational requirements for pharmacists, it has been possible to develop a higher level of professional achievement and assign more difficult, complex, and technical duties to operating pharmacy personnel. As a result of the increased responsibilities and the maintenance of a higher level of professional programs, the Veterans' Administration has been enabled to interest and recruit personnel with adequate training and skill to keep pace with the development of our present medical program. The proposed substitution of experience for formal education included in the bill would undermine the advances that have been made, and tend to delay further development of our over-all program.

In the administration of the requirement of the baccalaureate degree in pharmacy, as required by section 5 (e) (2) of Public Law 293, the Veterans' Administration has endeavored to develop an equitable formula for the retention of those pharmacists who were employees of the former Medical Service of the Veterans' Administration on January 3, 1946 (the effective date of Public Law 293, 79th Cong.), and who did not have competitive civil-service status. By letter dated March 19, 1951, the Executive Director of the United States Civil Service Commission advised this Administration that in view of the legislative intent, as evidenced by section 11 of the act, to permit the retention, wherever possible, of persons so situated, the requirements of section 5 (e) (2) would not be a bar to the award of competitive civil-service status under the provisions of Executive Order 10157 dated August 28, 1950; and further, that action on the individual recommendations of the Veterans' Administration would be expedited. The award of competitive civil-service status will permit the treatment of these pharmacists in the same manner as other pharmacists employed by the Veterans' Administration.

From what has been stated, it is apparent that the bill, if enacted into law, would require the Veterans' Administration to accept applicants with no formal education for pharmacy positions. In view of the accomplishments that have been made and the continuing development of an over-all medical program to insure the best possible medical care to veterans, the baccalaureate requirements are considered necessary and should be retained. Accordingly, in view of the undesirable effect that enactment of this bill would have upon the medical program of the Veterans' Administration, I recommend that it not be favorably considered by your committee.

Advice has been received from the Bureau of the Budget that there would be no objection to the submission of this report to the committee.

Sincerely yours,

O. W. CLARK,
Deputy Administrator

(For and in the absence of the Administrator).

RAMSEYER RULE

In accordance with clause 2a of rule XIII, House of Representatives, the changes made in existing law by the bill are shown as follows (existing law proposed to be omitted is in black brackets; new matter is in italics; existing law in which no changes are proposed is shown in roman):

SECTION 5 (E) (2) OF PUBLIC LAW 293, SEVENTY-NINTH CONGRESS, AS AMENDED

H. R. 302 AS INTRODUCED

(2) Pharmacist—

hold the degree of bachelor of science in pharmacy[, or its equivalent,] from a school of pharmacy approved by the Administrator, *or have the equivalent of such a degree in experience*, and be registered as a pharmacist in one of the States or Territories of the United States or in the District of Columbia.

H. R. 302 AS REPORTED

The bill, as reported, does not amend specific provisions of existing law.

